

- (A) “Onofrio’s device is capable of holding certain load . . . when it is connected to the ceiling . . . . [and] [i]n combination with Temple, the device is then capable of holding a person;” and
- (B) “Further, as to the arguments presented by the applicant that Temple’s device is at an angle, . . . [o]ne of ordinary skill in the art would notice that the device would not be always at the angle position shown in Figure 2. When load is placed[,] the device would be moved toward the center.”

These comments are indicated as being reasons that applicant’s arguments have not been deemed persuasive. However, neither comment appears to support the conclusion.

Comment (A)

In regards to comment (A), there was never any question that the device of Onofrio could support the load of a person. The point of amending the claims to recite the provision of fall protection (as suggested by the Examiner in the prior telephone conference) was that Onofrio is not suited to providing fall protection because it does not have a flexible cable, and since Onofrio is not intended to provide fall protection, there is no apparent reason for modifying it to include a flexible cable. So the added language further distinguishes over Onofrio, and Applicant respectfully requests clarification of how the load capacity of Onofrio is relevant to that issue.

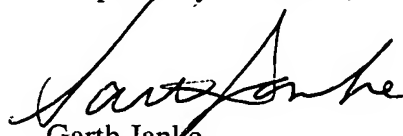
Comment (B)

Applicants agree with comment (B). In fact, this observation forms the basis for Applicants' argument. Temple teaches to provide the cable so that it extends at various angles of departure: One of those angles is shown in Figure 2, and another angle is that indicated by the Examiner, i.e., a 90 degree angle for hanging a load straight down. In all cases, the cable remains straight at all times.

The use of a hole plug is inconsistent with this behavior, because a hole plug tends to prevent the cable from departing the hole at anything other than a fixed angle, and ensures that the cable will bend if it is pulled from a different angle. Thus comment (B) correctly observes facts that demonstrate why it would not have been obvious to modify Temple to include a hole plug, and Applicant respectfully requests clarification of how the Examiner has apparently taken these facts to conclude the opposite.

Accordingly, the Examiner is respectfully requested to contact the undersigned for the purpose of scheduling another telephone conference to discuss these points.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Garth Janke", written over the printed name.

Garth Janke  
Registration No. 40,662  
(503) 224-2180